



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,871	05/04/2001	Abed Mohd Jaber	064731.0169	8371

7590
Terry J. Stalford, Esq.
Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
----------	--------------

2666

24

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,871

Applicant(s)

JABER ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2666

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 22, 2004, has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-9, 11-17, 19-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

1. Claims 1, 3-9, 11-17, 19-24 objected to because in independent claims 1, 9, and 17, "higher speed" should be --lower speed-- (specification, page 7, lines 12-15; page 13, lines 2-5 and page 14, lines 14-19; note: the intranodal connections are at 155 Mb/s and the internodal connections are at 10 Gb/s -- page 14, lines 5-9 and Figure 4). Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2666

Claims 1, 3-6, 9, 11-14, 17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derby et al. (US 5,483,522) in view of Ahmed et al. (US 5,432,783) and Milton et al. (US 6,529,300).

2. Regarding claims 1, 4-5, 9, 12-13, 17 and 20-21, Derby discloses a method of providing an internal topology of a node within a network (Figure 6; col. 5, lines 56-67) comprising determining intranode connectivity between traffic bearing components in a network node (col. 8, lines 20-26; col. 10, Table 1), distributing a model of the node to other nodes (col. 5, lines 62-67), and using the model in determining a routing path (col. 5, lines 56-58). However, Derby does not disclose the connections between the traffic bearing components as asymmetric. Ahmed discloses connections among switching entities that are bi-directional and asymmetric (col. 2, lines 5-8) in order to accommodate a larger capacity in one direction. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have asymmetric connections between traffic bearing components in the invention of Derby. Further, Derby in view of Ahmed does not disclose a connection to a WDM system nor that the intranodal links are at a lower speed than the internodal links. Milton discloses a node of a network (Figure 1) having intranodal interconnectivity (Figure 3, items 14 and 15). The node comprises an internal interface (items 14) to a WDM system (items 2 and 3) and the internal links inherently have a lower speed than the links between the nodes (items 10-11 and 18-19; note: multiplexing and demultiplexing). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide an interface to a WDM system in the invention of Derby in order to provide network connectivity using a well-known and widely used protocol for efficiently transmitting data over fiber.

Art Unit: 2666

3. Regarding claim 3, 6, 11 14, 19 and 22, Derby in view of Ahmed does not disclose that the interfaces to external nodes are lower speed. Milton discloses a private network (col. 1, lines 58-60) comprising an add-drop multiplexing node (Figure 1) having inherently lower speed interfaces to external nodes (Figure 3, items 16; note multiplexers and demultiplexers 10-11 and 18-19). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have lower speed external interfaces for a private network in the invention of Derby in order to provide network connectivity among customers.

Claims 7-8, 15-16 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derby in view of Ahmed and Milton as applied to claims 1, 9 or 17 above, and further in view of Le Boudec et al. (US6,016,306).

4. Regarding claims 7-8, 15-16 and 23-24, Derby in view of Ahmed and Milton does not disclose assigning weights for the connections. However, Le Boudec discloses assigning links based on cost, bandwidth or delay (col. 1, lines 39-52 and 56-62) and using an Open Shortest Path First weighted routing determination to find a best path. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to assign appropriate weights to the connections in the invention of Derby in view of Ahmed as evidenced by Le Boudec in order to provide optimal routing within the network.

Conclusion

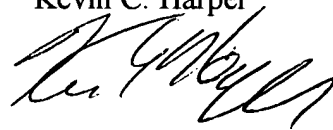
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

Art Unit: 2666

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see pair.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



June 14, 2004